

1 **PRISCILLA L. O'BRIANT**
2 Nevada Bar No. 10171
3 LEWIS BRISBOIS
4 6385 South Rainbow Blvd., Suite 600
5 Las Vegas, NV 89118
6 (702) 693-4388; FAX (702) 893-3789
7 priscilla.obriant@lewisbrisbois.com

8 *Attorney for Defendant USAA
9 Savings Bank*

10 **CARLOS C ALSINA-BATISTA**
11 Admitted *Pro Hac Vice*
12 The Law Offices of Jeffrey Lohman, PC
13 4740 Green River Rd, Suite 310
14 Corona, CA 92880
15 Tel. (657) 363-3331
16 Fax: 657-246-1311
17 Email: CarlosA@jlohman.com

18 *Attorneys for Plaintiff, Grace Howerton*

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
LAS VEGAS DIVISION

GRACE HOWERTON,

Plaintiff,

v.

USAA SAVINGS BANK,

Defendant.

Case No. 2:19-cv-01550-KJD-NJK

**STIPULATION AND ORDER TO STAY THE
PROCEEDINGS PENDING ARBITRATION**

Pursuant to the Federal Arbitration Act (“FAA”), 9 U.S.C. § 3, Defendant USAA Savings Bank (“USAA SB”) and Plaintiff Grace Howerton (“Plaintiff”) hereby stipulate and agree that these proceedings should be stayed pending the outcome of arbitration.

This action arises out of a credit card application that Plaintiff submitted, and a credit card account that she opened as a result. Under the terms of the USAA Credit Card Agreement (the “Agreement”), Plaintiff agreed to arbitrate disputes like this one with USAA SB, specifically Plaintiff’s

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1 claim relating to the collection of her credit card debt. (**Exhibit A**, ¶¶ A.1, A.2.) Before filing a Motion
2 to Compel Arbitration, USAA SB conferred with Plaintiff, and the parties have agreed to submit this
3 matter to arbitration.

4 Section 3 of the FAA provides:

5 If any suit or proceeding be brought in any of the courts of the United States upon any
6 issue referable to arbitration under an agreement in writing for such arbitration, the court
7 in which such suit is pending, upon being satisfied that the issue involved in such suit or
8 proceeding is referable to arbitration under such an agreement, ***shall on application of
one of the parties stay the trial of the action until such arbitration has been had in
accordance with the terms of the agreement***, providing the applicant for the stay is not in
default in proceeding with such arbitration.

9 U.S.C. § 3 (emphasis added); *BEHROOZ MOHAZZABI, Plaintiff, v. WELLS FARGO, N.A.,*
10 *Defendant.*, No. 218CV02137RFBVCF, 2019 WL 4675768, *2 (D. Nev. Sept. 25, 2019) (“Section 3 of
11 the FAA provides for a stay of legal proceedings whenever the issues in a case are within the reach of an
12 arbitration agreement.”). Here, Plaintiff’s claim that USAA SB “placed collection calls to Plaintiff
13 seeking and attempting to collect on alleged debts incurred under a credit card agreement issued
14 specifically by Defendant, USAA Savings Bank” is a Covered Claim per the Agreement, specifically
15 Paragraph A.2 subsection (v): “Your Account balance or any billing or collections matters relating to
16 your Account.” (See Doc. 5, ¶ 8; **Exhibit A**.) Accordingly, Plaintiff’s claim against USAA SB is within
17 the Agreement and subject to arbitration.

18 If and when an award is issued in arbitration, the parties will inform of the same to this honorable
19 Court.

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1 For the foregoing reasons, USAA SB and Plaintiff respectfully agree that these proceedings
2 should be stayed pending the arbitration of Plaintiff's claim.

3 Respectfully submitted,

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5 /s/ Matthew K. Higbee
MATTHEW K. HIGBEE
6 Nevada Bar No. 11158
HIGBEE & ASSOCIATES
7 2445 Fire Mesa Street, Suite 150
Las Vegas, NV 89128

8
9 /s/ Priscilla L. O'Briant
PRISCILLA L. O'BRIANT
Nevada Bar No. 10171
10 LEWIS BRISBOIS BISGAARD & SMITH
6385 South Rainbow Blvd., Suite 600
Las Vegas, NV 89118

11
12 /s/ Carlos C. Alsina-Batista
CARLOS C ALSINA-BATISTA
Admitted *Pro Hac Vice*
THE LAW OFFICES OF JEFFREY
LOHMAN, PC
4740 Green River Rd, Suite 310
Corona, CA 92880

13 *Attorney for Defendant USAA Savings Bank*

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16 **ORDER**

17 IT IS SO ORDERED.

18 Dated this 18TH day of OCTOBER, 2019.



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21 U.S. DISTRICT COURT JUDGE
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